

a fluid chamber, for holding specimen, positioned adjacent to the test membrane or sample collecting strip;

at least one elongate handle member, having a proximal end and a distal end, slidably received in the hollow portion of the housing; and

a foam member, for collecting specimen, extending from the proximal end of the handle whereby, when the handle is drawn through the housing, collected specimen is deposited from the foam member into the fluid chamber and onto the test membrane or sample collecting strip.

Please add the following new claims:

26. The specimen collecting and testing device of claim 1, wherein the elongate handle member is slidably received in the same hollow portion of the housing as the test membrane or sample collecting strip is positioned.

27. A specimen collecting and testing device comprising:

a. a sample collecting mechanism comprising:
an elongate, hollow housing having a proximal end and a distal end and a hollow portion;

an elongate handle member slidably mounted within the hollow portion of the housing;

a foam member for collecting specimen extending from the proximal end of the handle; and

b. a sample testing mechanism comprising:
at least one test membrane or sample collecting strip carrying diagnostic test chemistry positioned within the hollow portion of the housing.

28. The specimen collecting and testing device of claim 27 further comprising a sample extraction mechanism comprising: the elongate hollow housing, whereby when the handle is drawn through the housing, collected specimen is extracted from the foam member and deposited onto the test membrane or sample collecting strip.

29. The specimen collecting and testing device of claim 27, wherein the elongate handle member and housing are coaxial.

30. A specimen collecting and testing device comprising:
an elongate, hollow housing having a proximal end and a distal end;
an elongate handle member having a proximal end and a distal end, the handle member slidably mounted within the housing;
the elongate handle member and housing being coaxial;
a foam member for collecting specimen extending from the proximal end of the handle; and
at least one test membrane or sample collecting strip carrying diagnostic test chemistry positioned within the housing.

REMARKS

Applicant appreciates the Examiner's thorough examination of the subject application and requests reconsideration of the subject application based on the following remarks.

Claims 1-25 are pending in the subject application. Claim 1 has been amended for clarification purposes. Claims 26-30 have been added. Support for the amendments to claim 1 and for added claims 26-30 is found throughout the Specification, as filed, and no new matter is presented by the amendment.

Favorable reconsideration in light of the amendments and remarks which follow s respectfully requested.

Bauchand Reference

The claims presently stand rejected under 35 U.S.C. §102(e) and §103(a) as being unpatentable over the Bauchand reference.

While Applicants respectfully disagree with the rejections, it is also believed the rejections have been obviated by the amendments made herein.